



ZACHARY W. CARTER  
Corporation Counsel

The City of New York  
Law Department  
100 CHURCH STREET  
NEW YORK, NY 10007

CASSANDRA N. BRANCH  
Assistant Corporation Counsel  
Labor & Employment Law Division  
Phone: (212) 356-4074  
Fax: (212) 356-2439  
Email: cbbranch@law.nyc.gov  
Email and Fax No. Not for Service of Papers

August 16, 2018

**BY ECF**

Honorable Ronnie Abrams  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *Bradley v. The New York City Dep't of Educ., et al.*,  
16 Civ. 07043 (RA) (KNF)  
Our No. 2016-037229

Dear Judge Abrams:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for defendants The New York City Department of Education (“DOE”)<sup>1</sup>, and David Fanning (“Fanning”) in the above-referenced action. Defendants write on behalf of all parties to respectfully provide the Court with a case status update in anticipation of the parties’ post-discovery conference.

Plaintiff in this case is a teacher employed by defendant DOE, and brings claims pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601, *et seq.* (“FMLA”), the Rehabilitation Act of 1973, 29 U.S.C. §§ 794, *et seq.* (“Rehabilitation Act”), and the New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-101, *et seq.* (“CHRL”). The Complaint alleges, *inter alia*, that defendants discriminated against plaintiff on the basis of his age, and retaliated against him for advocating to the school’s administration on behalf of Special Education students and exercising his rights under the FMLA.

Discovery closed in this matter on August 15, 2018, following several extensions of the parties’ discovery period. *See* Docket Entry No. 55. The parties have completed fact discovery, including depositions of the parties and non-party witnesses, with the exception of defendants’ outstanding request for plaintiff’s signed authorization releasing psychological medical records. Plaintiff has advised that the release will be provided shortly.

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<sup>1</sup> DOE is, formally, the Board of Education of the City School District of the City of New York.

**HONORABLE RONNIE ABRAMS**

United States District Judge

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Plaintiff recently issued defendants a settlement demand which defendants are evaluating. Based on review of the information gathered in discovery, however, defendants do not believe that plaintiff can establish a case of discrimination or retaliation. Accordingly, defendants at this time anticipate that they will file a dispositive motion seeking summary judgment dismissal of the Complaint.

Thank you for your consideration of this matter.

Respectfully submitted,

[ECF] /S/  
Cassandra Branch  
Assistant Corporation Counsel

cc: **STEWART LEE KARLIN GROUP, P.C.**

Attorneys for Plaintiffs